

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3391 of 1999

Dated:31.10.2007

Between

B.Kameswara Rao

..Petitioner

and

1.The Chairman, APSRTC, Musheerabad
Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3391 of 1999

ORDER

This writ petition is filed seeking a Mandamus to declare the proceedings dated 3.7.98 i.e., the action of the respondents in not paying the full wages for the period from 19.3.1983 to 30.6.1989; as arbitrary and illegal and to further declare that the Regulation 21 of APSRTC (CCA) Regulations, 1967 are not applicable to the petitioner.

It appears that the petitioner was placed under suspension in view of the fact that he was involved in an ACB case. However, the said criminal case was ended in acquittal. Thereafter, he was reinstated into service.

Now, the grievance of the petitioner is that though he was kept under suspension and paid 75% of subsistence allowance for the said period, he is entitled for full wages for the period from 19.3.1983 to 30.6.1989. It is also

his contention that Regulation 21 of APSRTC (CCA) Regulations, 1967 as arbitrary and illegal and is not applicable to his case.

Respondents filed a detailed counter affidavit denying the allegations made by the petitioner and further stated that after acquittal of the charges framed against the petitioner, he was reinstated into service. The period for which he was kept out of employment (under suspension) was regulated as per Regulation 21 of APSRTC Employees (CCA) Regulations. Therefore, the petitioner is not entitled for the relief as sought for in the writ petition.

Regulation 21 of APSRTC Employees (CCA) Regulations, 1967 reads as under:

Pay, allowances and treatment of service on reinstatement:

(1) When an employee who has been dismissed, removed or suspended is reinstated, the authority competent to order the reinstatement shall consider and make a specific order as to--

(a) the pay and allowances which shall be paid to the employee for the period of his absence from duty;

and

- (b) Whether or not the said period shall be treated as a Revised spent on duty.

(2)(a) Where such competent authority holds that the employee has been fully exonerated or, in the case of suspension, that it was unjustifiable, the employee shall be granted the full pay and allowances to which he would have been entitled had he not been dismissed, removed or suspended, as the case may be.

(b) In all other cases, the employee shall be granted such proportion of such pay and allowances as such competent authority may direct:

Provided that the payment of allowances under this clause shall be subject to all other conditions subject to which such allowances are admissible.

(c) In a case falling under sub-clause (a), the period of absence from duty shall for all purposes be treated as a period spent on duty.

(d) In a case falling under sub-clause (b) the period of absence from duty shall not be treated as a period spent on duty unless such competent authority specifically directs that it shall be so treated for any specific purpose. It will be open to the competent authority to convert the period into one of leave due.

(3) Nothing contained in clause (1) and

(2) above shall apply in relation to the case of an employee falling under clause (3) of regulation 20. If, on the termination of the criminal proceedings or his release from custody or the restoration of his licence, as the case may be, he is not either removed or dismissed from service, the period of absence may be treated—

- (a) if he is absolved of blame as leave due to him; and
- (b) if otherwise, in accordance with the provisions of sub clause (d) of clause (2).

From the above, it is clear that the respondents have all the powers to regulate the period for which the petitioner was kept out of employment, even if the crime arose outside employment. Therefore, I am of the opinion that the respondents have not committed any error in passing the impugned order. The writ petition is devoid of merits and is liable to be dismissed.

Writ petition is, accordingly, dismissed.

No costs.

31-10-2007

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